

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:10-cr-00185-09

MICHAEL MEADE

MEMORANDUM OPINION AND ORDER

In Bluefield, on March 30, 2011, came the defendant, Michael Meade, in person and by counsel, Matthew A. Victor; came the United States by Miller A. Bushong, III, Assistant United States Attorney; and came the United States Probation Officer Brett S. Taylor, for a hearing on the petition to revoke the defendant's bond.

The court informed the defendant of the alleged violations contained in the petition to revoke his bond, filed on March 23, 2011. The court advised the defendant that he had the right to a hearing and assistance of counsel before his bond could be revoked. Defendant did not contest the factual allegations set forth in the March 23, 2011 petition. Accordingly, the Court found that there was clear and convincing evidence that (a) Mr. Meade had received a traffic citation for speeding (80 mph in a 55 mph zone) on February 18, 2011 in Mercer County, West Virginia; and (b) that he had used morphine, suboxone and heroin, all in violation of his release conditions.

After giving the United States, the defendant, and his

attorney an opportunity to address the court, the court found that, based on the factors as set forth in 18 USC § 3142(g), there existed no condition or combination of conditions of release that would assure that the defendant would not flee or pose a danger to the safety of any other person or the community. Having so found, the court revoked the defendant's bond. The court based its decision on the fact that Mr. Meade is an active participant (as a consumer) of the drug trade in Mercer County, West Virginia, and therefore a threat to the community. Accordingly, the defendant is to remain in custody pending his sentencing hearing on June 20, 2011 before this court.

The court directs that, to ensure Mr. Meade's safety, he not be housed in a facility with other defendants in cases 1:10-cr-00185 or 1:10-cr-00186.

The defendant was informed of his right to appeal the court's revocation of his bond within fourteen (14) days. The defendant was further informed that in order to initiate such an appeal, a Notice of Appeal must be filed in this court. The defendant was advised that if he wishes to appeal and cannot afford to hire counsel to represent him on appeal, the court will appoint counsel for him. The defendant was further advised that if he so requests, the Clerk of Court will prepare and file a Notice of Appeal on his behalf.

The defendant was remanded to the custody of the United States Marshals Service.

The Clerk is directed to forward a copy of this Memorandum

Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia, and the Probation Department of this court.

It is **SO ORDERED** this 31st day of March, 2011.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge